UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BROGAN WYANT,

Case No.: 2:19-cv-00201-APG-VCF

Plaintiff

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v.

Order Granting Motion to Quash Service of Process, Denying Motion to Dismiss, and **Extending Time to Serve**

[ECF Nos. 12, 14]

LARRY LEVIN, et al.,

Defendants

The defendants move to quash or dismiss for insufficient process and insufficient service of process. ECF Nos. 12, 14. As no summons has been issued in this case, and there is no 10 evidence the defendants were served with a summons, I grant the motion to quash. See ECF Nos. 11 6, 7 (stating only document served was the complaint); Fed. R. Civ. P. 4(c)(1) ("A summons 12 must be served with a copy of the complaint."). Whether to quash or dismiss lies within my 13 discretion. S.J. v. Issaquah Sch. Dist. No. 411, 470 F.3d 1288, 1293 (9th Cir. 2006). In my 14 discretion, I grant Wyant an extension under Federal Rule of Civil Procedure 4(m) to properly 15 serve each defendant with the complaint, the errata to the complaint, and a summons. I therefore 16 deny the motion to dismiss. Finally, the defendants request attorney's fees and costs because 17 Wyant refused to cooperate with the defendants' offer to waive service. However, the 18 defendants identify no legal basis for an award of fees, so I deny that request.

IT IS THEREFORE ORDERED that the defendants' motion to quash (ECF No. 12) is GRANTED.

IT IS FURTHER ORDERED that the time for plaintiff Brogan Wyant to properly serve 22 | each of the defendants with a summons and a copy of the complaint and errata to the complaint 23 is extended to June 14, 2019.

1	IT IS FURTHER ORDERED that the defendants' motion to dismiss (ECF No. 14) is
2	DENIED.
3	DATED this 3rd day of May, 2019.
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5	ANDREW P. GORDON
6	UNITED STATES DISTRICT JUDGE
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